

8533/251

**DECLARATION AND POWER OF ATTORNEY (JOINT)**

As the below named Inventors, we hereby declare that:

Our residence, post office address, and citizenship, are as stated on the following page of this document next to our name; and

We believe we are the original, first, and joint Inventors of the subject matter which is claimed, and for which a patent is sought under and in accordance with applicable statutes of the United States of America (Title 35, United States Code) on the invention entitled:

A device for and a method of milking an animal, a device for monitoring an  
animal

the specification of which

☒ is attached hereto.

☐ was filed \_\_\_\_\_, Application Serial No. \_\_\_\_\_, and was amended \_\_\_\_\_ [if applicable].

We further declare that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this Application, as required by statutes of the United States of America and implementing rules (37 CFR §1.56(a)).

We hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application or applications for patent or Inventor's certificate listed below. Also, unless otherwise set forth below, there is no foreign application for patent or Inventor's certificate having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN & INTERNATIONAL APPLICATION(S)**

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>
1017354	the Netherlands	13.02.2001

**PRIORITY CLAIMED**

<u>Yes</u>	<u>No</u>
X	

We hereby claim the benefit under 35 U.S.C. §120 of any United States application or applications listed below. Insofar as the subject matter of each claim of this application or applications in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose material information as required by statute and implementing rules (37 CFR §1.56(a)) which occurred between the effective filing date of the prior application and the effective national or PCT international filing date of this application.

<u>Serial No.</u>	<u>Date Filed</u>	<u>Status</u>
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We hereby appoint as our attorneys, with full powers of substitution and revocation, to prosecute this Application and transact all business in the United States Patent and Trademark Office connected herewith:

Penrose Lucas Albright, Reg. No. 19,082; William B. Mason, Reg. No. 18,120; and Eric S. Albright, Reg. No. 39,087 (Patent Agent); 2306 South Eads Street, P.O. Box 2246, Arlington, Virginia 22202.

Correspondence and telephone communications should be directed to Penrose Lucas Albright, Esq., MASON, MASON & ALBRIGHT, P.O. Box 2246, Arlington, Virginia 22202-0246, Telephone: (703) 979-3242 (local).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

van der Lely, Alexander

First Inventor's Full Name (Print or Type)



First Inventor's Signature

44 Jan Witkampstraat

Post Office Address (for mail)

3065 NA ROTTERDAM, the Netherlands

City/County, State/Province

Residence Address (if different than above)

the Netherlands

Country of Citizenship

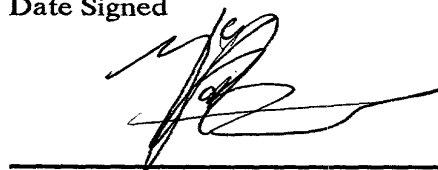
City/County, State/Province

18 January, 2002

Date Signed

van den Berg, Karel

Second Inventor's Full Name (Print or Type)



Second Inventor's Signature

5, Boterbloemstraat

Post Office Address (for mail)

2971 BR BLESKENS GRAAF, the Netherlands

City/County, State/Province

Residence Address (if different than above)

the Netherlands

Country of Citizenship

City/County, State/Province

18 January, 2002

Date Signed

(Signature should conform to name as printed or typewritten)

] Additional Inventors on attached page

Fransen, Renatus Ignatius Josephus

Third Inventor's Full Name (Print or Type)

6, Prins Hendriklaan

Post Office Address (for mail)

Residence Address (if different than above)

the Netherlands

Country of Citizenship

Meijer, Eduard Lodewijk

Fourth Inventor's Full Name (Print or Type)

95, Willemstraat

Post Office Address (for mail)

Residence Address (if different than above)

the Netherlands

Country of Citizenship

Seerden, Adrianus Maria

Fifth Inventor's Full Name (Print or Type)

15, Hendrik Ter Brugghenstraat

Post Office Address (for mail)

Residence Address (if different than above)

the Netherlands

Country of Citizenship



Third Inventor's Signature

3135 ZD VLAARDINGEN, the Netherlands

City/County, State/Province

City/County, State/Province

18 January, 2002

Date Signed

Fourth Inventor's Signature

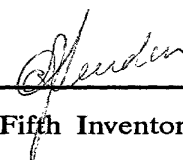
2514 HL DEN HAAG, the Netherlands

City/County, State/Province

City/County, State/Province

18 January, 2002

Date Signed



Fifth Inventor's Signature

2231 BW RIJNSBURG, the Netherlands

City/County, State/Province

City/County, State/Province

18 January, 2002

Date Signed

(Signature should conform to name as printed or typewritten)

Applicant or Patentee: Alexander van der Lely et al.  
 Serial or Patent No.: to be assigned; Attorney's Docket No. \_\_\_\_\_  
 Filed or Issued: herewith  
 For: A device for and a method of milking an animal, a device for  
monitoring an animal

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR §1.9(F) AND §1.27(C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Lely Enterprises AG  
 ADDRESS OF CONCERN: 20, Bützenweg, CH-6300 ZUG  
Switzerland

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §121.3-18, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this Statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled as mentioned above by inventor(s) Alexander van der Lely et al described in:

- ☒ the specification filed herewith.  
☐ Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR §1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*Note: Separate Verified Statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

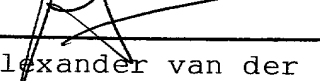
NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this Application or Patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application, any Patent issuing thereon, or any Patent to which this Verified Statement is directed.

NAME OF PERSON SIGNING: Alexander van der Lely  
 TITLE OF PERSON OTHER THAN OWNER: Director  
 ADDRESS OF PERSON SIGNING: 44, Jan Witkampstraat, 3065 NA ROTTERDAM  
the Netherlands

SIGNATURE  DATE 18 January, 2002  
Alexander van der Lely